

Remarks

1. Summary of the Office Action

In the office action mailed May 15, 2008, the Examiner rejected claims 5, 22, and 23 under 35 U.S.C. § 112 on grounds that the claims used a slash between terms. Further, the Examiner rejected claims 1, 4-14, 16-19, 20, and 24-26 under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent No. 6,915,132 (Chaterjee) in view of U.S. Patent No. 6,628,934 (Rosenberg), the Examiner rejected claims 2, 3, 15, and 20 under 35 U.S.C. § 103(a) as being allegedly obvious over Chaterjee in view of Rosenberg in view of U.S. Patent No. 7,305,354 (Rodriguez), and the Examiner rejected claims 22 and 23 under 35 U.S.C. § 103(a) as being allegedly obvious over Chaterjee in view of Rodriguez.

2. Status of the Claims

Applicant has amended independent claims 1, 4, 12, 17, and 24 to recite that the shared or common radio access data under which each of the multiple wireless devices operates when gaining radio access comprises a mobile identification number (MIN) and electronic serial number (ESN). This feature was recited already by independent claim 23. Further, dependent claims 5 and 8 (depending from claims 1 and 17 respectively) recited this feature as well, so Applicant has cancelled claims 5 and 18 to avoid redundancy. Independent claim 22 analogously recites that a wirelessly-equipped digital camera has radio access data comprising a MIN-ESN pair that is the same as a MIN-ESN pair stored as radio access data on at least one other wirelessly equipped digital camera.

Now pending are claims 1-4, 6-17, and 19-26, of which claims 1, 4, 12, 17, 22, 23, and 24 are independent and the remainder are dependent.

3. Response to § 112 Rejections

Applicant has replaced the slash with a dash through the claims, to avoid the "and/or" interpretation provided by the Examiner. Applicant submits that this change is non-substantive, however, because those of ordinary skill in the art would understand that the slash used in the term "MIN/ESN pair" clearly does not mean "and/or" as the Examiner contended. Indeed, if the slash meant "and/or", then the term would be read as "MIN and/or ESN pair," which would not make sense. Nevertheless, the amendment to change the slashes to dashes renders the § 112 rejection moot.

4. Response to § 103 Rejections

a. Claims 4-11

Applicant submits that the Examiner erred in rejecting dependent claim 5 as being allegedly obvious over Chatterjee in view of Rosenberg, because Chatterjee clearly teaches away from the invention that claim 5 recited, including the feature of multiple wireless devices gaining radio connectivity operating under the same MIN-ESN pair.

Chatterjee teaches (i) each wireless device having a common OTAF ID and sending that OTAF ID in a registration message to the radio network, (ii) the radio network then sending the OTAF ID in a registration message to a signal transfer point (STP), and (iii) the STP detecting the OTAF ID and responsively routing the registration message to an activation processor instead of to the authentication entity (HLR) that normally receives and handles such registration messages. On the other hand, Chatterjee teaches that when a previously-activated wireless device sends a registration request to the radio network, the device would include its previously assigned MIN and its ESN, and the STP would responsively send the registration message to the HLR as normal.

Chatterjee also teaches that, in alternative embodiment, each wireless device may instead contain a respective dummy MIN. However, Chatterjee specifically teaches without exception that if a dummy MIN is used, it is different per wireless device. Further, Chatterjee teaches that a dummy MIN is used in the same way as Chaterjee's common OTAF ID, namely, to cause the STP to route the registration request to the special activation processor. And again, Chatterjee makes clear that this routing to the OTAF processor is particularly different than the normal way of handling registration requests, in which registration requests are routed to the HLR.

Since claim 5, when read in connection with its parent claims 4, recited granting radio network access to multiple wireless devices operating under the same shared radio access data comprising a shared MIN-ESN pair, claim 5 patentably distinguished over a combination based on Chaterjee. Although Chatterjee suggests using a common OTAF ID in an activation message, Chatterjee specifically teaches away from using a common MIN (and therefore from using a common MIN-ESN pair) for that purpose. Chatterjee teaches, without exception, that if a dummy MIN is provided in the wireless device's registration request, that dummy MIN will be different in every wireless device. (See, e.g., column 3, lines 18-32.) Chatterjee does not explain why this is so, but it is likely so in order to avoid confusion by having the same MIN in multiple wireless devices. Furthermore, Chaterjee teaches that each wireless device transmits its own ESN, apparently to distinguish one wireless device from another (see, e.g., column 5, lines 3-7), thus further teaching away from having multiple wireless devices gain radio access operating under a common MIN-ESN pair.

Therefore, considering the art cited by the Examiner, it would not have been a logical advance to provide the same MIN-ESN pair in multiple wireless devices or have each of multiple wireless devices gain radio access operating under a common MIN-ESN pair.

Phrased another way, the Examiner's factual assertion regarding Chaterjee as alleged support for the conclusion that claim 5 was obvious was flawed, since Chaterjee did not in fact teach what the Examiner relied on Chaterjee for teaching (namely, "wherein the shared radio access data comprises a shared mobile identification number-electronic serial number (MIN-ESN) pair). Chaterjee does not teach this at the portion cited by the Examiner (column 3, lines 5-11), and Chaterjee does not teach this elsewhere. Because the Examiner relied on Chaterjee for this teaching when Chaterjee did not in fact include the teaching, the Examiner establish *prima facie* obviousness of claim 5 under M.P.E.P. § 2142 (requiring an Examiner to clearly articulate reasons based on rationale underpinnings to support the conclusion of obviousness). Consequently, the rejection of claim 5 was improper and that claim 5 contained allowable subject matter.

Because Applicant has incorporated the text of claim 5 directly into independent claim 4, it follows that claim 4 is allowable. Furthermore, without conceding the Examiner's assertions, Applicant submits that dependent claims 6-11 are allowable for at least the reason that they depend from allowable claim 4.

b. Claims 1-3, 12-17, 19-21, and 24-26

Of these claims, claims 1, 12, 17, and 24 are independent and each stand rejected as being allegedly obvious over Chaterjee in view of Rosenberg. As noted above, Applicant has amended each of these claims to include subject matter largely like that recited originally by claim 5. Thus, each of these independent claims now recites, among other elements, the feature of multiple wireless devices gaining radio network connectivity operating under a common MIN-ESN pair.

For the reasons discussed above with respect to claim 5, Applicant submits that Chaterjee clearly teaches away from this arrangement. Consequently, without conceding the Examiner's

assertions regarding other claim features, Applicant submits that claims 1, 12, 17, and 24 as written patentably distinguish over Chaterjee in view of Rosenberg. Further, without conceding the Examiner's additional assertions, Applicant submits that dependent claims 2-3, 13-16, 19-21, and 25-26 are allowable for at least the reason that they each depend from one of these allowable claims.

c. Claim 22

As noted above, claim 22 recites that a wirelessly-equipped digital camera has radio access data comprising a MIN-ESN pair that is the same as a MIN-ESN pair stored as radio access data on at least one other wirelessly equipped digital camera. For the reasons discussed above, Chaterjee teaches away from this arrangement, because Chaterjee teaches at best that the dummy MIN used by each wireless device for activation should be *different* in each device. Modifying Chaterjee to have the same MIN in each device would thus change the basic principle of operation of Chaterjee, thus precluding *prima facie* obviousness under M.P.E.P. § 2143.

For this reason, Applicant submits that the rejection of claim 22 as being allegedly obvious over Chaterjee in view of Rodriguez is improper and should be withdrawn, and claim 22 should be allowed.

d. Claim 23

This claim as originally written recited granting radio network access to multiple digital cameras operating under a common MIN-ESN pair, similar to the subject matter of claim 5.

For the reasons discussed above with respect to claim 5, Applicant submits that Chaterjee clearly teaches away from this arrangement. Consequently, without conceding the Examiner's assertions regarding other claim features, Applicant submits that the rejection of claim 23 as

being allegedly obvious over Chaterjee in view of Rodriguez is improper and should be withdrawn.

5. Conclusion

For the foregoing reasons, Applicant submits that all of the pending claims are in condition for allowance, and Applicant thus respectfully requests favorable reconsideration and allowance of the claims.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is welcome to call the undersigned at (312) 913-2141.

Respectfully submitted,

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